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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CAPELLI MILANO, LLC, a Nevada Limited Liability
Company, ORION STAR EVENTS INC., a Nevada
Corporation, DARRELEEN GOODMAN, an individual,
KEITH MATTHEWS, an individual BRUCE FONG
D.O, HMD, an individual, On behalf of themselves and all
similarly situated persons,

Plaintiffs,

vs.

THE HONORABLE STEPHEN F. SISOLAK, in his
official capacity as Governor of the State of Nevada,
AARON DARNELL FORD, in his official capacity as the
Attorney General of the State of Nevada, MARILYN
KIRKPATRICK, in her official capacity as Urban County
Lead of the Local Empowerment Advisory Panel, J.J.

Case No.:

**CIVIL RIGHTS CLASS
ACTION COMPLAINT
FOR DAMAGES AND
INJUNCTIVE AND
DECLARATORY RELIEF**
JURY TRIAL DEMANDED

GOICOECHEA, in his official capacity as Rural County
 Lead of the Local Empowerment Advisory Panel,
 SHADABA ASAD, M.D., in her official capacity as a
 Member of the State of Nevada Medical Advisory Team;
 IHSAN AZZAM, Ph.D., M.D., in his official capacity as
 Nevada State Chief Medical Officer; NEVADA DEPT.
 OF HEALTH & HUMAN SERVICES, a Nevada
 Administrative Agency; JUSTIN LUNA, in his official
 capacity as Chief of the Nevada Division of Emergency
 Management; NEVADA DEPT. OF PUBLIC SAFETY,
 DIVISION OF EMERGENCY MANAGEMENT, a
 Nevada Administrative Agency; NEVADA STATE
 BOARD OF PHARMACY, a Nevada public body;
 DAVID J. WUEST, in his official capacity as Executive
 Secretary of the State Board of Pharmacy; NEVADA
 DEPARTMENT OF EMPLOYMENT, TRAINING &
 REHABILITATION, a Nevada Administrative Agency,
 DOES 1 through 100.
 Defendants.

COMPLAINT

COME NOW, Plaintiffs, who bring this action on behalf of themselves and on behalf of all similarly situated persons (collectively “PLAINTIFFS”) by and through the undersigned attorneys of record, SIGAL CHATTAH, ESQ., of the CHATTAH LAW GROUP, and JOSEPH S. GILBERT, ESQ., of JOEY GILBERT LAW, who hereby complain of Defendants and each of them and allege as follows:

PARTIES

A. The Plaintiffs

1. Plaintiff ORION STAR EVENTS INC. at all relevant times, is and was a Nevada Corporation organized and authorized to do business and doing business in the

1 State of Nevada. Located in Las Vegas, Nevada (Clark County), is a events company
2 entertainment business that employed Nevada residents as employees, all of whom have all
3 been laid off since Governor Sisolak's instituted the "shut-down" orders, despite the fact that
4 ORION STAR EVENTS INC. could have safely operated their business within the CDC's
5 recommended social distancing guidelines.

6
7 2. Plaintiff CAPELLI MILANO, LLC, at all relevant times, is and was a Nevada
8 Limited Liability Company organized and authorized to do business and is doing business in
9 the State of Nevada. Located in Las Vegas, Nevada (Clark County), is a hair salon business
10 that employed Nevada residents as employees, all of whom have all been laid off since
11 Governor Sisolak's instituted the "shut-down" orders, despite the fact that could have safely
12 operated their business within the CDC's recommended social distancing guidelines.

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14 3. Plaintiff DARRELEEN GOODMAN, at all relevant times, is and was a
15 Nevada individual residing in the State of Nevada. Located in Reno, Nevada (Washoe
16 County), Darreleen Goodman is a Barber that was continuously been working and has since
17 been laid off since Defendant Governor Sisolak instituted the "shut down" orders, despite the
18 fact that Darreleen Goodman could have safely operated and worked within the CDC's
19 recommended social distancing guidelines.

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21 4. Plaintiff BRUCE FONG, DO, HMD, at all relevant times, is and was a Nevada
22 individual residing in the State of Nevada. Located in Reno, Nevada (Washoe County), Bruce
23 Fong, DO, HMD is an osteopathic medical physician with a valid medical license issued by
24 the State of Nevada, who has been prevented from providing approved treatment to his
25 patients since Defendant Governor Sisolak approved the March 23, 2020 emergency
26 regulation prohibiting the prescription, issuance, filling, and dispensing of chloroquine and/or
27 hydroxychloroquine to outpatients testing positive for COVID-19.
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1 5. Plaintiff KEITH MATTHEWS, at all relevant times, is and was a Nevada individual
2 residing in the State of Nevada. Located in Reno, Nevada (Washoe County, Crystal Matthews
3 is a patient who tested positive for COVID-19 and who has been prevented from receiving
4 approved treatment since Defendant Governor Sisolak approved the March 23, 2020
5 emergency regulation prohibiting the prescription, issuance, filling, and dispensing of
6 chloroquine and/or hydroxychloroquine to outpatients testing positive for COVID-19.
7

8 **B. Defendants**

9 1. Defendant HONORABLE STEPHEN F. SISOLAK, was and is at all times
10 relevant herein the Governor of the STATE OF NEVADA.

11 2. Defendant AARON DARNELL FORD, was and is at all times relevant herein
12 the Attorney General for the STATE OF NEVADA.

13 3. Defendant MARILYN KIRKPATRICK, was and is at all times relevant herein
14 Urban County Lead of the Local Empowerment Advisory Panel, relegated by Defendant
15 Governor Sisolak during the COVID-19 period and acting on his behalf.

16 4. Defendant J.J. GOICOECHEA, was and is at all times relevant herein Rural
17 County Lead of the Local Empowerment Advisory Panel, relegated by Defendant Governor
18 Sisolak during the COVID-19 period and acting on his behalf.
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20 5. Defendant SHADABA ASAD, M.D., was and is at all times relevant herein a
21 Member of the State of Nevada Medical Advisory Team, relegated by Defendant Governor
22 Sisolak during the COVID-19 period and acting on his behalf.
23

24 6. Defendant IHSAN AZZAM, Ph.D., M.D., was and is at all times relevant
25 herein the Chief Medical Examiner for the STATE OF NEVADA, relegated by Defendant
26 Governor Sisolak during the COVID-19 period and acting on his behalf.
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1 7. Defendant, NEVADA DEPARTMENT OF HEALTH & HUMAN
2 SERVICES, was and is at all times relevant herein an Administrative Agency operating in
3 the STATE OF NEVADA, acting with and at the direction of Defendant Governor Sisolak.

4 8. Defendant, JUSTIN LUNA, was and is at all times relevant herein Chief of the
5 NEVADA DIVISION OF EMERGENCY MANAGEMENT, acting in said capacity and
6 simultaneously with Defendant Governor Sisolak, issued Orders and Emergency Directives
7 under NRS 414 et. seq.

9 9. Defendant, NEVADA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF
10 EMERGENCY MANAGEMENT, was and is at all times relevant herein an Administrative
11 Agency operating in the STATE OF NEVADA, acting with and at the direction of
12 Defendant Governor Sisolak.

13 10. Defendant, NEVADA STATE BOARD OF PHARMACY, was and is at all
14 times relevant herein, a public body operating in the STATE OF NEVADA, acting in with
15 and at the direction of Defendant Governor Sisolak.

16 11. Defendant, DAVID J. WUEST, was and is at all times relevant herein the
17 Executive Secretary of the State Board of Pharmacy, acting in said capacity simultaneously
18 with and at the direction of Defendant Governor Sisolak.

19 12. Defendant, NEVADA DEPARTMENT OF EMPLOYMENT, TRAINING &
20 REHABILITATION, was and is at all times an Administrative Agency operating in the
21 STATE OF NEVADA, acting with and at the direction of Defendant Governor Sisolak.

22 13. At all times pertinent herein, Defendants were agents, servants, employees, or
23 joint venturers of every other Defendant, and at all times mentioned herein were acting
24 within the scope and course of said agency, employment, or joint venture, with knowledge
25 and permission and consent of all other named Defendants. Whenever and wherever
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1 reference is made in this Complaint to any acts by Defendants, such allegations and
2 references shall also be deemed to mean the acts of each Defendant acting individually,
3 jointly or severally.

4 14. The true names and capacities, whether individual, corporate, associate, or
5 otherwise, of Defendants DOES 1 through 100, are unknown to Plaintiffs, who therefore sue
6 said Defendants by such fictitious names. Plaintiffs are informed and believe and thereon
7 allege that each of the Defendants designated herein as a DOE is responsible in some
8 manner for the events and happenings herein referred to. As such, Plaintiffs will seek leave
9 of Court to amend this Complaint to insert the true names and capacities of said Defendant
10 as they become identified.
11

12 **NATURE OF ACTION AND JURISDICTION**

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14 15. This is a civil action under 42 U.S.C § 1983 seeking damages and injunctive
15 relief against Defendants for committing acts, under color of law, with the intent and for the
16 purpose of depriving Plaintiffs of rights secured under the Constitution and laws of the
17 United States; retaliating against Plaintiffs; and for refusing or neglecting to prevent such
18 deprivations and denials to Plaintiffs.

19
20 16. This action arises under 42 U.S.C. § 1983 in relation to Defendants'
21 deprivation of Plaintiffs' Constitutional rights to Due Process and Equal Protection under
22 the Fifth and Fourteenth Amendments to the U.S. Constitution. Accordingly, this Court has
23 Federal Question Jurisdiction under 28 U.S.C. §§ 1331 and 1343. This Court has authority
24 to award the requested declaratory relief under 28 U.S.C. § 2201; the requested injunctive
25 relief and damages under 28 U.S.C. § 1343(a); and attorneys' fees and costs under 42
26 U.S.C. § 1988. Plaintiffs, therefore, on behalf of themselves and all others similarly
27 situated, seek damages and declaratory and injunctive relief accordingly.
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1 Defendants will continue to inflict massive and widespread economic damage to Plaintiffs –
2 all while unconstitutionally placing the burden of Defendants’ respective Orders and
3 Emergency Directives on the backs of both small and large “Non-Essential Businesses”,
4 such as those of Plaintiffs, who have already been financially crippled, forced to shut their
5 doors for business and to conduct mass layoffs, in addition to prohibiting the treatment of
6 patients testing positive for COVID-19 by licensed Nevada physicians.

7
8 22. Indeed, as a result of Defendants’ wanton and unlawful Orders and
9 Emergency Directives, many of these Plaintiffs’ “Non-Essential Businesses” might
10 never financially recover and may end up closing their doors forever. Further,
11 Defendants’ grossly negligent restriction of drugs approved by the FDA for use in
12 the treatment of COVID-19 is both unlawful and unconscionable, and puts Nevadans
13 at risk of irreversible illness and even possible death. The stakes for immediate relief
14 from this Court for Plaintiffs could not be higher.
15

16
17 23. Accordingly, Plaintiffs bring this class action challenging the Constitutionality
18 of Defendants’ Orders and Emergency Directives, which have deprived them of numerous
19 rights and liberties under both the U.S. and Nevada Constitutions.

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21 24. In doing so, Plaintiffs seek: (1) equitable and injunctive relief to enjoin the
22 enforcement of Defendants’ Orders and Emergency Directives; (2) declaratory relief from
23 this Court in declaring that Defendants’ Orders and Emergency Directives violate Plaintiff’s
24 civil rights under: (a) 42 U.S.C. § 1983 of the Federal Civil Rights Act (“§ 1983”), (b) the
25 Due Process and (c) Equal Protection Clauses of the Fifth and Fourteenth Amendments, and
26 (d) Article 1 and 5 of the Nevada Constitution; (3) attorney’s fees and costs for the work
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done by Plaintiffs' counsel in connection with this lawsuit in an amount according to proof; and (4) for such other and further relief as the Court deems just and appropriate.

CLASS ALLEGATIONS

25. The treatment to which Plaintiffs, and the class they represent, have and will be subjected, specifically— the arbitrary closure of “Non-Essential Businesses”, the arbitrary closure of religious institutions and places of worship, the violation of NRS 414.155, the arbitrary restriction of drugs approved by the FDA for use in the treatment of COVID-19, the violation of NRS 441A.200, the violation of Plaintiffs' First, Second, Fourth, Fifth and Eighth Amendment Constitutional rights – were all performed pursuant to the policies, customs, and/or practices of Defendants.

26. Plaintiffs, on behalf of themselves and of the class of similarly situated persons, seek an order declaring that Defendants' treatment of Plaintiffs pursuant to these policies, customs, and/or practices is unlawful.

27. Plaintiffs bring this action on their own behalf and on behalf of all persons similarly situated, pursuant to Federal Rule of Civil Procedure 23(b)(3). Plaintiffs seek certification of a class defined as follows:

a. All persons who were forced to close “Non-Essential Businesses” were unable to receive unemployment benefits through the Department of Employment, Training & Rehabilitation (“DETR”);

b. All persons who were deprived of their Constitutional rights under NRS 414.155;

c. All persons who were deprived of their Constitutional and Statutory rights under NRS 441A.200 and as described in *Roe v. Wade* (1973); and

1 d. All persons affected by the wanton and reckless disregard of
2 Defendants' conduct to the detriment of the residents of the State of Nevada.

3 28. Pursuant to Federal Rule of Civil Procedure 23(a), the members of the class are
4 so numerous that joinder of all members is impractical. Plaintiffs do not know the exact
5 number of class members. Plaintiffs are informed and believe, and thereupon allege that
6 there are more than 100,000 persons in the class defined above.

7
8 29. Pursuant to Federal Rule of Civil Procedure 23(a), Plaintiffs are informed and
9 believe, and thereupon allege, that there are questions of law and fact common to the class,
10 including but not limited to:

11 a. Whether the grossly negligent closure of businesses deemed "Non-
12 Essential Businesses" under Chapter 414 of the Nevada Annotated Code for a
13 prolonged period of eight weeks was arbitrary and capricious action taken by
14 Defendant Governor Sisolak and the Defendants named above;

15
16 b. Whether the emergency regulation prohibiting the prescription and
17 issuance, filling, and dispensing of chloroquine or hydroxychloroquine for
18 outpatients testing positive for COVID-19 was arbitrary and capricious action and
19 willful misconduct on behalf of Defendant Governor Sisolak, Defendant Wuest,
20 and Defendant State Board of Pharmacy ("BOP");

21
22 c. Whether the Emergency Directives closing Nevada School Systems
23 was grossly negligent taking into account that termination of the 2020 school year
24 for the State of Nevada was arbitrary and capricious and not supported by
25 substantial evidence or justification of same;
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1 d. Whether Defendants' bad faith and willful misconduct harmed the
2 Plaintiff class and chilled their Freedom of Speech and Association and Free
3 Exercise of Religion in violation of the First Amendment;

4 e. Whether Defendants engaged in gross negligence, willful misconduct,
5 and bad faith and are liable for violating the First, Second, Fourth, and Fourteenth
6 Amendment rights of the Plaintiff class; and

7 f. Whether Defendants should be enjoined from engaging in this gross
8 negligence and willful misconduct which has been detrimental to the State of
9 Nevada and its residents.

10 30. Pursuant to Federal Rule of Civil Procedure 23(a), Plaintiffs' claims are typical
11 of the class they seek to represent. Plaintiffs and the class they seek to represent were all
12 subjected to violations of their Constitutional rights over the course of the past eight weeks
13 in the State of Nevada.

14 31. Plaintiffs have the same interests and have suffered the same type of injuries as
15 the proposed class. Each proposed class member suffered actual damages as a result of the
16 challenged conduct.

17 32. Plaintiffs' claims arose because of Defendants' policies, customs, and/or
18 practices. Plaintiffs' claims are based upon the same legal theories as the claims of the
19 proposed class members.

20 33. Plaintiffs' counsel has the resources, experience, and expertise to successfully
21 prosecute this action against Defendants. Counsel knows of no conflicts among any
22 members of the class, or between counsel and any members of the class.

1 34. Pursuant to Federal Rule of Evidence 23(b)(3), upon certification, class
2 members must be furnished with the best notice practicable under the circumstances,
3 including individual notice to all members who can be identified through reasonable effort.

4 35. If this action is certified as a class action, Plaintiffs contemplate that individual
5 notice will be given to class members, at such last known address by first class mail, as well
6 as notice by publication informing them of the following:

- 7
- 8 a. The pendency of the class action and the issues common to the class;
 - 9 b. The nature of the action;
 - 10 c. The right to “opt-out” of the action within a given time, in which event
11 they will not be bound by a decision rendered in the class action;
 - 12 d. Their right to “opt-out” to be represented by their own counsel and to
13 enter an appearance in the case, otherwise they will be represented by the named
14 class Plaintiffs and their counsel; and
 - 15 e. Their right, if they do not “opt-out”, to share in any recovery in favor of
16 the class, and conversely, to be bound by any judgment on the common issues
17 adverse to the class.
18

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20 **FACTS AND CIRCUMSTANCES SURROUNDING ALL CLAIMS**

21 36. The global COVID-19 pandemic brought on by an infectious and
22 communicable disease caused by the recently discovered coronavirus, has caused
23 catastrophic and unprecedented economic damage across the globe, and with it, significant
24 loss of life and fundamental changes to both world and national economies, and specifically,
25 the manner in which businesses are permitted to run, if at all.
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1 37. To be sure, State and U.S. officials have faced tremendous adversity in
2 planning, coordinating, and at times executing effective nationwide and statewide policies to
3 protect the general public's health, safety and welfare during this time of crisis.

4 38. However, these policies, as well-intentioned as they may be, have had an
5 unlawful and disparate effect on some people, their health and their businesses over other
6 people and their health and their businesses, to the point where life, liberty and the pursuit of
7 happiness have been ripped away from law-abiding citizens and businesses.

8 39. On or about March 13, 2020, President of the United States ("POTUS")
9 Donald J. Trump proclaimed a National State of Emergency as a result of the threat of the
10 emergence of COVID-19.

11 40. On March 16, 2020, POTUS announced "*15 Days to Slow the Spread*" –
12 Coronavirus Guidelines for America based on the Center for Disease Control ("CDC")
13 recommendations.

14 41. Though a Federal Mandate was not issued, these guidelines and
15 recommendations for the general public and State Agencies were made based on COVID-19
16 projections established by the CDC and the Institute of Health Metrics and Evaluation
17 ("IHME").

18 42. Over the course of the subsequent thirty days, it became noticeably clear that
19 these projections were grossly over-exaggerated and correlating restrictions were
20 unnecessary.

21 43. Specifically, since the initial outbreak in February and March of 2020, the
22 Federal Government's projections of anticipated U.S. deaths related to the virus have
23 decreased substantially, by an order of magnitude. Yet, despite such revisions, Defendants
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1 have continued to increasingly restrict—and in some cases have even outright banned—
2 Plaintiffs’ engagement in constitutionally-protected activities.

3 44. On February 04, 2020, Defendant Governor Sisolak issued Executive Order
4 2020-01, finding that “[d]ocuments, records, or other items of information which may reveal
5 the details of a specific emergency plan or other tactical operations by a response agency...
6 are hereby deemed confidential and not subject to subpoena or discovery, and not subject to
7 inspection by the general public...,” to include “[h]andbooks, manuals, or other forms of
8 information detailing procedures to be followed by response agencies in the event of an...
9 emergency...” (“Executive Order 2020-01”). Such an Order seeks to prevent accountability
10 of the Defendants’ actions over the days that would follow.

11
12 45. On March 12, 2020, Defendant Governor Sisolak activated the State
13 Emergency Operations Center, in an effort to coordinate a response and minimize the
14 impact and further transmission of COVID-19 to persons in Nevada, and such declaration
15 was made to remain in effect until the end of the COVID-19 emergency (“Emergency
16 Declaration”).

17
18 46. Chapter 414 of the Nevada Revised Statutes, entitled *Emergency Management*,
19 delineates the Executive Authority that Defendant Governor Sisolak enjoys, and albeit
20 broadly extends certain powers to the Governor, it does not allow for arbitrary and
21 capricious actions, willful misconduct or grossly negligent conduct taken against the State,
22 or against the residents of Nevada.

23
24 47. Accordingly, Defendant Governor Sisolak and other named Defendants
25 engaged in actions that were arbitrary and capricious, grossly negligent, willful misconduct
26 and in bad faith, in the execution and enforcement of those powers delineated in Chapter
27 414 of the Nevada Revised Statutes, as stated *infra*.
28

1 48. NRS 414.110 specifically precludes immunity for such actions that are based
2 on willful misconduct, gross negligence, or bad faith.

3 49. It has become exceedingly clear that Defendant Governor Sisolak and
4 associated Defendants named herein have engaged in gross negligence, bad faith and willful
5 misconduct by issuing Orders and Emergency Directives that are arbitrary and capricious,
6 and not supported by substantial evidence to merit same.

7
8 50. On March 15, 2020, Defendant Governor Sisolak closed all schools, effective
9 March 16, stating that schools may not reopen earlier than April 6 (“Emergency Directive
10 001”). On April 21, 2020, Defendant Governor Sisolak declared that schools in Nevada
11 were dismissed for the remaining 2020 school year.

12
13 51. On March 18, 2020, Defendant Governor Sisolak closed all gaming
14 establishments and gaming activity, and such declaration was made to remain in effect until
15 April 16 (“Emergency Directive 002”).

16 **Unemployment Allegations.**

17 52. Following Defendant Governor Sisolak’s aforementioned Orders and
18 Emergency Directives, Defendant DETR received 347,978 new claims for unemployment
19 benefits. Defendant DETR is the only administrative office in the State of Nevada that
20 handles state unemployment benefits.

21
22 53. As part of the Orders and Emergency Directives, Defendant Governor Sisolak
23 instructed Defendant DETR to waive verification periods, to serve as an immediate
24 disbursement of unemployment benefits to the over 300,000 unemployed individuals living
25 in Nevada.
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1 54. As of the date of filing of this Complaint, there are over 100,000 individuals
2 who have not received any unemployment relief through the grossly-mismanaged Defendant
3 DETR agency, since the beginning of the COVID-19 pandemic.

4 55. Defendant Governor Sisolak grossly neglected to ensure that Nevadans have
5 financial benefits to sustain the arbitrary and capricious closures of Nevada businesses,
6 leaving them financially devastated and hungry, and robbing them of their dignity.

7 56. The failure of Defendant DETR to adequately function during this time of
8 crisis, despite the available financial resources, demonstrates the grossly negligent and
9 inadequate manner that Defendants have endeavored to secure Nevada's residents' interests
10 during this crisis.
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15 **"Essential Businesses" vs. "Non-Essential Businesses"**

16 57. On March 20, 2020, Defendant Governor Sisolak, in joint action with
17 Defendant Department of Public Safety, Division of Emergency Management, adopted an
18 emergency regulation amending Chapter 414 of the Nevada Administrative Code to define
19 "Essential Businesses" and "Non-Essential Businesses", whereby "Non-Essential
20 Businesses" were to cease operations until April 16, and where "Essential Businesses" were
21 authorized to remain open so long as strict guidelines were followed to reduce the likelihood
22 of transmitting COVID-19. Specifically, adequate social distancing, contactless payments
23 when possible, and delivery only for retail cannabis dispensaries ("Emergency Directive
24 003").
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27 58. NRS 233B.066(2) mandates that each adopted regulation be accompanied by:
28 (i) a clear and concise explanation of the need a for the adopted regulation; (ii) the estimated

1 economic effect of the regulation on the business which it is to regulate and on the public,
2 which shall be stated separately, and in each case must include: (1) both adverse and
3 beneficial effects; and (2) both immediate and long term effects; (iii) the estimated cost to
4 the agency for enforcement of the proposed regulation; (iv) a description of any regulations
5 of other state or government agencies which the proposed regulation overlaps or duplicates,
6 a statement explaining why the duplication or overlapping is necessary, and if the regulation
7 duplicates or overlaps a federal regulation, the name of the regulating federal agency; (v) if
8 the regulation includes provisions which are more stringent than a federal regulation which
9 regulates the same activity, a summary of such provisions; and (vi) if the regulation
10 provides a new fee or increases an existing fee, the total annual amount the agency expects
11 to collect and the manner in which the money will be used. *See* NRS 233B.066.
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14 59. Both Defendants Governor Sisolak and Luna endorsed the March 20, 2020
15 emergency regulation amending Chapter 414 of Nevada Administrative Code, and in its
16 accompanying Informational Statement as required by NRS 233B.066(2), affirmed that: (i)
17 there was no economic effect of the regulation on the businesses which it is to regulate; (ii)
18 there was no economic effect of the regulation on the general public which it is to regulate;
19 (iii) there was no estimated cost to the agency for enforcement of the regulation; (iv) the
20 regulation did not overlap or duplicate a federal regulation; (v) the regulation does not
21 include provisions which are more stringent than a federal regulation which regulates the
22 same activity; and (vi) the regulation does not establish a new fee or increase an existing
23 fee.
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25 60. The affirmations made by Defendants Governor Sisolak and Luna in the March
26 20, 2020 Informational Statement are a gross misrepresentation of the stringent measures
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1 taken and are a direct violation of subsections (1)(g), (1)(h), (1)(i), and (1)(j) of NRS
2 233B.066.

3 61. In their affirmations, Defendants Governor Sisolak and Luna deliberately,
4 willfully, and with a conscious disregard for the truth, violated: NRS 233B.066(1)(g) by
5 refusing to provide the estimated economic effect of the regulation on the businesses and
6 persons which it is regulating; NRS 233B.066(1)(h) by refusing to provide the estimated
7 cost to the agency for enforcement of the regulation; NRS 233B.066(1)(i) by refusing to
8 state the federal regulations which the regulation duplicates and the applicable federal
9 agency; and NRS 233B.066(1)(j) by refusing to delineate the stringent measures that the
10 State of Nevada incorporated, despite no federal mandate for the same.
11

12 62. On March 20, 2020, Defendant Department of Public Safety, Division of
13 Emergency Management arbitrarily and capriciously passed an Emergency Administrative
14 Regulation amending Chapter 414 of the Nevada Administrative Code, adding a section
15 entitled “Business During Times of Declared Emergency (NRS 414.060, 414.070)”,
16 whereby Nevada businesses were classified as either an “Essential Licensed Business” or a
17 “Non-Essential Business”.
18

19 63. Despite Emergency Directive 003 stating that the Nevada Attorney General
20 opined in Opinion Number 9 5-03 “that, in the context of the Governor’s exercise of powers
21 under NRS Chapter 414, municipalities exceed their statutory authority in adopting
22 emergency powers that: ...prohibit the sale or distribution of guns, ammunitions or
23 explosives; or close businesses which sell guns, ammunition or explosives...” and despite
24 its prohibition by NRS 414.155, the March 20, 2020 emergency regulation included firearm
25 retailers as a “Non-Essential Business”.
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1 64. Whereby in adopting the March 20, 2020 emergency regulation, Defendants
2 Governor Sisolak and Luna blatantly and willfully violated NRS 414.155, Amendment II of
3 the United States Constitution, and Article I § 11 of the Nevada Constitution.

4 65. Whereby Defendant Ford took no action to prevent or prohibit Defendants
5 Governor Sisolak, Luna, or Department of Public Safety, Division of Emergency
6 Management from adopting the unlawful March 20, 2020 emergency regulation, Ford
7 engaged in willful misconduct.
8

9 66. On March 22, 2020, Defendant Governor Sisolak suspended certain provisions
10 contained in Chapter 241 of the Nevada Revised Statute (“Open Meeting Law”) until April
11 16, and specifically, suspending requirements pertaining to public meetings and posting
12 notices at physical locations (“Emergency Directive 006”).
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16 **Chloroquine and Hydroxychloroquine**

17 67. On March 23, 2020, based upon the recommendation provided by the
18 Defendant Governor’s COVID-19 Medical Advisory Team, and specifically Defendants
19 Asad and Azzam, Defendant Wuest and Defendant State Board of Pharmacy (“BOP”)
20 sought and received endorsement by Defendant Governor Sisolak for its own statement of
21 emergency, by letter of the same date, in order to adopt emergency regulations restricting
22 the “prescribing and dispensing” of chloroquine and hydroxychloroquine for patients
23 outside of a hospital setting. Specifically, Defendants Wuest and BOP cited “the hoarding
24 and stockpiling” of these drugs during the COVID-19 pandemic, and the “resulting shortage
25 of supplies of these drugs for legitimate medical purposes” as the basis for its statement of
26 emergency. Defendants Wuest and BOP further claimed that hydroxychloroquine is under
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1 investigation for use in the treatment of COVID-19, but that its safety and efficacy have not
2 been established. However, Defendants Wuest and BOP failed to provide any evidence, let
3 alone sufficient evidence, in support of these claims, or its reasons for the existence of an
4 emergency necessitating or justifying the unlawful emergency action taken.

5 68. On March 23, 2020, that same day, and without providing supporting evidence
6 sufficient to reasonably determine the existence of an emergency, and having failed to
7 provide even minimally effective public notice, Defendants Wuest and BOP held an
8 emergency meeting to hear the “Discussion and Possible Action on Adoption of Emergency
9 Regulations pursuant to NRS 233B.0613 to Restrict the Prescribing and Dispensing of
10 Chloroquine of Hydroxychloroquine in Response to Covid-19 (**FOR POSSIBLE**
11 **ACTION**)(the “Agenda”); *see also* NRS 241.015; NRS 241.020.
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14 69. The Agenda stated that a public notice of the emergency meeting was given the
15 same day as the meeting. However, any such notice failed to meet the minimum
16 requirements set forth in NRS 241.020 and 233B.0614, as even Members of Defendant BOP
17 were only provided notification of the meeting via email at 2:59 p.m., with the meeting held
18 by teleconference at 3:30 p.m. In this, Defendants Wuest and BOP did not take comments
19 from the general public as required under NRS 241.020. *See* NRS 241.020 (stating that,
20 “[n]o action may be taken upon a matter raised under this item of the agenda until the matter
21 itself has been specifically included on a future agenda as an item...”).
22

23 70. As stated in its Agenda, Defendants Wuest and BOP declared that “[i]n
24 regulating the practice of pharmacy, the Nevada State Board of Pharmacy has a duty to
25 carry out and enforce the provisions of Nevada law to protect the health, safety and welfare
26 of the public.”
27
28

1 71. On March 23, 2020, citing NRS 639.070 as its statutory authority, Defendant
2 Governor Sisolak, in joint action with Defendant BOP, adopted an Emergency
3 Administrative Regulation amending Chapter 639 of the Nevada Annotated Code,
4 restricting the prescribing and dispensing of chloroquine and hydroxychloroquine for a
5 COVID-19 diagnosis outside of a hospital setting, for a period of 180 days – 60 days longer
6 than allowed by statute. *See* NRS 233B.0613.

7
8 72. Further, NRS 233B.066(2) mandates that each adopted regulation be
9 accompanied by: (i) a clear and concise explanation of the need a for the adopted regulation;
10 (ii) the estimated economic effect of the regulation on the business which it is to regulate
11 and on the public, which shall be stated separately, and in each case must include: (1) both
12 adverse and beneficial effects; and (2) both immediate and long term effects; (iii) the
13 estimated cost to the agency for enforcement of the proposed regulation; (iv) a description
14 of any regulations of other state or government agencies which the proposed regulation
15 overlaps or duplicates, a statement explaining why the duplication or overlapping is
16 necessary, and if the regulation duplicates or overlaps a federal regulation, the name of the
17 regulating federal agency; (v) if the regulation includes provisions which are more stringent
18 than a federal regulation which regulates the same activity, a summary of such provisions;
19 and (vi) if the regulation provides a new fee or increases an existing fee, the total annual
20 amount the agency expects to collect and the manner in which the money will be used. *See*
21 NRS 233B.066.

22
23
24 73. Both Defendants Governor Sisolak and Wuest endorsed the March 23, 2020
25 emergency regulation amending Chapter 639 of the Nevada Annotated Code, and in the
26 accompanying Informational Statement as required by NRS 233B.066(2), affirmed that: (i)
27 there would be no adverse or beneficial economic impact from the regulation on either the
28

1 providers of pharmaceutical care that are subject to the regulation, or the public; (ii) there
2 would be no immediate or long term economic effect on either the providers of
3 pharmaceutical care that will be subject to the regulation, or the public, or that any such
4 effects will be negligible; (iii) there would be no additional or special costs incurred by the
5 Board for the enforcement of the regulation; (iv) they are not aware of any similar
6 regulations or other state or government agencies that the proposed regulation overlaps or
7 duplicates; (v) they are not aware of any similar regulations of the same activity in which
8 the federal regulation is more stringent; and (vi) the regulation does not provide a new or
9 increase of fees.
10

11 74. The affirmations made by Defendants Governor Sisolak and Wuest in the
12 March 23, 2020 Informational Statement are a gross misrepresentation of the stringent
13 measures taken and are a direct violation of subsections (1)(g), (1)(h), (1)(i), and (1)(j) of
14 NRS 233B.066.
15

16 75. In their affirmations, Defendants Sisolak and Wuest deliberately, willfully, and
17 with a conscious disregard for the truth, violated: NRS 233B.066(1)(g) by claiming that
18 there is no estimated economic effect of the regulation on the businesses and persons which
19 it is regulating; NRS 233B.066(1)(h) by claiming that there is no cost to the agency for
20 enforcement of the regulation; NRS 233B.066(1)(i) by claiming that there are no federal
21 regulations which the regulation duplicates and no applicable federal agency; and NRS
22 233B.066(1)(j) by claiming that there are no similar regulations of the same activity in
23 which the federal regulation is more stringent.
24

25 76. On March 23, 2020, Defendants Governor Sisolak and BOP arbitrarily and
26 capriciously passed an Emergency Administrative Regulation amending Chapter 639 of the
27 Nevada Administrative Code, adding a section prohibiting the issuance, filling, or
28

1 dispensing of a prescription for chloroquine or hydroxychloroquine to an outpatient for a
2 COVID-19 diagnosis, or for any new diagnosis made after the effective date of the
3 regulation.

4 77. Despite Defendant BOP exceeding its authority (see NRS 639.070); despite
5 Defendant BOP impermissibly practicing medicine (see NRS 630.020); despite Defendants
6 Governor Sisolak and BOP interfering with the authority and privilege of a physician to
7 practice medicine, and illegitimately restricting where the practice of medicine can occur
8 (see, e.g., NRS 630.160; NRS 630.049); despite Defendants Governor Sisolak and BOP
9 interfering with a person's right to receive approved treatment for a communicable disease
10 from a physician of his or her choice, which is specifically prohibited by statute (see NRS
11 441A.200); despite the March 23, 2020 emergency regulation being preempted by Federal
12 law; despite the emergency regulation violating a physician and patient's constitutional right
13 to privacy and specifically, the right of an individual to protect his or her health by making
14 autonomous decisions about medical treatment with a physician of his or her choice, with no
15 justification provided that would warrant such an intrusion (see *Roe v. Wade* (1973) and
16 Amendment XIV, Section 1, of the U.S. Constitution); despite the March 23, 2020
17 emergency regulation violating a physician and patient's constitutional right to equal
18 protection under Amendment XIV, Section 1, of the U.S. Constitution; despite the March
19 23, 2020 emergency regulation violating a physician and patient's constitutional right to due
20 process under Article I, Section 8, of the Nevada Constitution, and Amendment V, Section
21 1, and Amendment XIV, Section 1, of the U.S. Constitution; despite the March 23, 2020
22 emergency regulation's invalidity under NRS 233B.0617; and despite the March 23, 2020
23 emergency regulation being void under NRS 241.036, Defendants Governor Sisolak and
24 BOP adopted the March 23, 2020 emergency regulation.

78. Whereby in adopting the March 23, 2020 emergency regulation, Defendants Governor Sisolak, BOP and Wuest blatantly and willfully violated, *inter alia*, NRS 639.070, 630.049, 630.160, 441A.200, 233B.060, 233B.0613, 233B.0658, 241.020, 29 CFR Section 541.304, 21 U.S.C. et all, 21 U.S.C. § 360bbb-3, *Roe v. Wade* (1973), Article I, Section 8 of the Nevada Constitution, Amendment XIV, Section 1, Amendment V, Section 1, and Amendment XIV, Section 1, of the U.S. Constitution.

Right to Travel and Places of Worship

79. On March 24, 2020, Defendant Governor Sisolak directed all Nevadans to implement physical distancing measures to minimize spread of COVID -19, while prohibiting persons from gathering in groups of ten or more in any indoor or outdoor area until April 16 (“Emergency Directive 007”). Further, Emergency Directive 007 also ordered local governments to limit the general public’s use of recreational equipment and public spaces such as parks and beaches, and authorized local agents to enforce criminal penalties on any person who does not comply.

80. Specifically, Defendant Governor Sisolak’s Emergency Directive 007 stated:

- a. The Nevada general public shall not gather in groups of ten or more in any indoor or outdoor area, whether publicly owned or privately owned where the public has access by right or invitation, express or implied, whether by payment of money or not, including without limitation, parks, basketball courts, volleyball courts, baseball fields, football fields, rivers, lakes, beaches, streets, convention centers, libraries, parking lots, and private clubs. This provision shall not be construed to apply to the gathering of persons living within the same household, or persons working at or patronizing Essential Licensed Businesses or providing essential services to the public;

1 b. With the exception of persons residing in the same household, the
2 Nevada general public shall, to the extent practicable, abide by social distancing
3 practices by maintaining a minimum six-foot distance between persons in public
4 spaces, whether privately or publicly owned; and

5 c. Local governments shall limit the Nevada general public's use of
6 recreational equipment, including without limitation, playground equipment,
7 basketball courts, volleyball courts, baseball fields, beaches, or football fields, in a
8 manner that causes the congregation of ten or more persons in a manner contrary
9 to best COVID-19 disease mitigation social distancing practices.

10 81. Emergency Directive 007 also threatened that any person who does not comply
11 with its Section 1, after receiving notice from law enforcement, may be subject to criminal
12 prosecution and civil penalties under NRS 199.280, NRS 202.450, and another other
13 applicable statutes, regulations, or ordinances.

14 82. Emergency Directive 007 also instructed that all law enforcement agencies in
15 the State of Nevada were authorized to enforce this Emergency Directive 007, and that the
16 Office of the Attorney General is given concurrent jurisdiction to prosecute respective
17 violations.

18 83. On March 29, 2020, POTUS recommended the continuation of limitations on
19 gatherings through April 30, 2020.

20 84. On March 31, 2020, Defendant Governor Sisolak issued yet another directive
21 ("Emergency Directive 010"), extending the Declaration of Emergency to April 30, 2020,
22 and thereby all Emergency Directives promulgated pursuant to. Specifically, with limited
23 exception, Defendant Governor Sisolak ordered all Nevadans to stay in their residences, and
24

1 prohibited individuals from gathering outside of their homes, save authorized outdoor
2 activity, so long as the activity complies with Emergency Directive 007.

3 85. On April 1, 2020, Defendant Governor Sisolak authorized the Adjunct General
4 to order into active duty such Nevada National Guard personnel “as he deems necessary to
5 assist the state’s response to the COVID-19 pandemic...” and until “such time as the
6 Adjunct General determines the need for assistance no longer exists...” (“Emergency
7 Directive 012”).
8

9 86. On April 8, 2020, Defendant Governor Sisolak continued the following
10 closures, until April 30 (“Emergency Directive 013”):

11 a. Publicly accessible sporting and recreational venues that encourage
12 social congregation, including without limitation, golf courses, golf driving ranges,
13 tennis courts, basketball courts, volleyball courts, skate parks, bocce ball courts,
14 handball courts, horseshoe pits, or pickleball courts, shall remain closed for the
15 duration that this Directive is in effect; and
16

17 b. Places of worship shall not hold in-person worship services where ten
18 or more persons may gather, including without limitation, drive-in and pop-up
19 services, for the remainder of the Declaration of Emergency.
20

21 87. Further, on April 29, 2020, Defendant Governor Sisolak authorized “Non-
22 Essential” retail businesses identified in Emergency Directive 003 to resume retail sales on a
23 curbside or home delivery basis only, while extending Emergency Directives 003, 006, 007,
24 and 010, respectively, until May 15. As part of this Emergency Directive, Defendant
25 Governor Sisolak advised Nevadans to continue to shelter in place, avoid interpersonal
26 contact with persons not residing in their household, and to utilize face coverings in public
27 spaces.
28

1 88. While “Essential Businesses” continue to operate, and indeed, turn a profit (if
2 not historical profits) during this time of crisis, Plaintiffs’ “Non-Essential Businesses” have
3 suffered immeasurably at the hands of government overreach and unconstitutionally
4 restrictive Orders and Emergency Directives passed and enforced by Defendants, with
5 immense disparate impact across every segment or sector of business in Nevada.

6 89. Further, such disparate impact and “scare tactics” are furthered by the
7 Government’s unlawful restriction of chloroquine and/or hydroxychloroquine, both FDA-
8 approved drugs authorized for use in the treatment of COVID-19, and their unwillingness to
9 allow or provide viable treatment options.

10 90. Accordingly, Plaintiffs’ complaint against Defendants, and each of them, for
11 violation of the Federal Civil Rights Act, 42 U.S.C § 1983, to declare and enjoin the
12 enforcement of the following Orders and Emergency Directives:
13
14

15 a. Defendant Governor Sisolak’s Emergency Directive 003, and
16 Defendant Division of Emergency Management’s corresponding designation of
17 “Essential Licensed Business” and “Non-Essential Business” as delineated in the
18 March 20, 2020 emergency regulation’s amendment of Chapter 414 of the Nevada
19 Administrative Code;

20 b. Defendant Governor Sisolak’s Emergency Directive 003 violating the
21 Second Amendment rights of Nevada Citizens and NRS 414.155;

22 c. Defendants Governor Sisolak and BOP’s March 23, 2020 emergency
23 regulation amending Chapter 639 of the Nevada Administrative Code, prohibiting
24 the prescribing and dispensing of chloroquine and hydroxychloroquine for an
25 outpatient with a COVID-19 diagnosis;
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1 d. Defendant Governor Sisolak's Emergency Directive 007, prohibiting
2 Nevadans from gathering in groups of more than 10 people;

3 e. Defendant Governor Sisolak's Emergency Directive 010 and "Stay At
4 Home" Order issued on March 31, 2020; and

5 f. Defendant Governor Sisolak's Emergency Directive 013 issued on
6 April 8, 2020, prohibiting places of worship from holding in-person worship
7 services where ten or more persons may gather.
8

9 91. Plaintiffs have standing to bring § 1983 claims since they are aggrieved in fact,
10 as businesses that are the subject of enforcement of the overbroad and unconstitutional
11 Orders and Emergency Directives which have the effect of forcing Plaintiffs – which are a
12 collection of Nevada businesses and individuals – to bear a public burden by entirely
13 eviscerating Plaintiffs' ability to operate their respective businesses and restricting their
14 right to receive treatment for a communicable disease.
15

16 92. Plaintiffs have standing to bring § 1983 claims since they are aggrieved in fact,
17 as businesses whose rights have been violated pursuant to Article 1, Section 8, Clause 3 of
18 the U.S. Constitution, which prohibits states from passing legislation that discriminates
19 against or excessively burdens interstate commerce.
20

21 93. Plaintiffs further have standing to bring § 1983 claims since they are aggrieved
22 individuals and Parties that are the subject of enforcement of the overbroad Orders and
23 Emergency Directives infringing on their Free Exercise Clause of the First Amendment to
24 the United States Constitution.
25

26 94. Defendants' Orders and Emergency Directives are in violation of 42 U.S.C. §
27 1983, as is the enforcement of these Orders and Emergency Directives by Defendants, and
28 should be enjoined under § 1983, due to the following circumstances:

1 a. The Orders and Emergency Directives plainly violate the Due Process
2 and Equal Protection Clauses of the Fifth and Fourteenth Amendments in that they
3 unconstitutionally and disparately apply one set of rules to businesses arbitrarily
4 deemed “Essential Businesses” versus all other businesses (such as Plaintiffs’) that
5 are deemed “Non-Essential Businesses”, which must close pursuant to the Orders
6 and Emergency Directives. Plaintiffs aver that ALL businesses in the State of
7 Nevada are “Essential” to the health, welfare, and well-being of its citizens, and
8 that the general health outcome sought through the passage of these Orders and
9 Emergency Directives (i.e., lowering the curve of COVID-19) could be
10 accomplished through less restrictive means.

11
12 b. The Orders and Emergency Directives effectively amount to an
13 impermissible “partial” or “complete” taking in violation of the Takings Clause of
14 the Fifth Amendment to the U.S. Constitution in that the prohibition of Plaintiffs’
15 operation of their “Non-Essential Business” constitutes a regulatory taking of
16 private property, for public purpose, without providing just compensation
17 therefore. Furthermore, the Orders and Emergency Directives violate the Takings
18 Clause of the Fifth Amendment in that the complete prohibition of the business
19 operations of “Non-Essential Businesses” constitutes an irrational, arbitrary, and
20 capricious law bearing no rational basis to any valid government interest. The
21 notion that the government-ordered shutdown of “Non-Essential Businesses” (such
22 as Plaintiffs’) is absolutely necessary in curbing the spread of COVID-19
23 constitutes an unconstitutional infringement on Plaintiffs’ civil rights and liberties
24 to operate in a free-market economy. As national and statewide data has recently
25 suggested, the economic impact of the mandatory, unconstitutional closures of
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1 “Non-Essential Businesses” has had an unnecessarily devastating and
2 unprecedented crippling effect on local and state economies. ALL businesses are
3 ‘essential’ and necessary to the maintenance of the health, welfare and prosperity
4 of Nevada’s citizens.

5 c. The Orders and Emergency Directives further violate the substantive
6 and procedural due process clauses of the Fifth and Fourteenth Amendments to the
7 U.S. Constitution.

8 d. The Orders and Emergency Directives further violate Article 1,
9 Sections 1, 4, 9, 10, 11 of the Nevada Constitution.

10 e. The Orders and Emergency Directives violate Plaintiff’s Second
11 Amendment right to the United States Constitution and NRS 414.155.

12 f. The Orders and Emergency Directives violate Plaintiffs rights as to
13 conduct business under Article 1, Section 8, Clause 3 of the U.S. Constitution.

14 g. The Orders and Emergency Directives violate Plaintiffs’ rights to the
15 Free Exercise of Religion and are not “narrowly tailored” to further any
16 compelling governmental interest. Defendants have granted numerous special
17 exemptions to their bans on public gatherings and conduct, including for
18 purportedly “Essential Businesses” and activities, provided that social distancing
19 practices are observed. Since these gatherings may be permitted, there can be no
20 doubt that Defendants may, and therefore must, permit Plaintiffs to engage in
21 equivalent business and religious activities provided that Plaintiffs also adhere to
22 the social distancing guidelines currently in place.
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1 h. The Orders and Emergency Directives are preempted by Federal law
2 and impermissibly restrict the issuance, filing, and dispensing of FDA-approved
3 drugs issued pursuant to a valid prescription.

4 i. The Orders and Emergency Directives violate Plaintiffs' and their
5 patients' constitutional rights to privacy – the right of individuals to protect their
6 health by making autonomous decisions about medical treatment with a physician
7 of their choice – which is a fundamental right that cannot be abridged or dictated
8 by Defendants and where no justification was provided that would warrant such an
9 intrusion, not even a declaration by the Defendant Governor Sisoka of a state of
10 emergency.

11 j. The Orders and Emergency Directives violate Plaintiffs' and their
12 patients' constitutional rights to equal protection under Amendment XIV, Section
13 1, of the U.S. Constitution – particularly because the March 23, 2020 emergency
14 regulation (and its subsequent April 20, 2020 waiver) authorize hospital physicians
15 to issue, fill, and dispense these drugs to patients testing positive for COVID-19,
16 while simultaneously prohibiting non-hospital physicians from doing so.

17 k. The Orders and Emergency Directives violate Plaintiffs' and their
18 patients' constitutional rights to due process under Article I, Section 8, of the
19 Nevada Constitution, and Amendment V, Section 1, and Amendment XIV, Section
20 1, of the U.S. Constitution – specifically in restricting the practice of medicine
21 under a valid medical license without due process.

22 95. Unless and until injunctive relief is granted, Plaintiffs will continue to suffer
23 irreparable harm for which they are left without an adequate remedy at law, in that they are
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1 subject to criminal cases (i.e., misdemeanor citations and fines) based on the enforcement of
2 the Orders and Emergency Directives by law enforcement agencies and their agents.

3 **LEAP Team**

4 96. Defendant Governor Sisolak appointed a Local Empowerment Advisory Panel
5 (“LEAP”) on April 30, 2020, to serve as a resource for Nevada Counties as they work
6 through the necessary requirements to reopen, and to share best practices and guidelines.
7 Defendant Kirkpatrick appointed was appointed to represent the Urban Counties, while
8 Defendant Goicochea was appointed to represent the Rural Communities.

10 97. As of their date of appointment, Defendants Kirkpatrick and Goicochea have
11 failed to communicate any plans of reopening, operations, etc. with Nevadans.

12 98. On April 14, 2020, Defendant Department of Health and Human Services
13 halted two Las Vegas operations providing rapid tests for COVID-19; to wit, Sahara Urgent
14 Care and Cura Telehealth & Wellness, following specific instructions from State Regulators
15 to cease operations.

17 99. Despite a downward reduction in COVID-19 morbidity, Defendant Governor
18 Sisolak, on April 21, 2020, stated that Nevada was not ready to advance to Phase I of
19 reopening. Defendant Governor Sisolak’s actions were unsupported by substantial
20 evidence, grossly negligent, arbitrary and capricious, and with a wanton disregard for the
21 people of the State of Nevada.

23 **EQUITABLE ALLEGATIONS**

24 100. In violation of State and Federal Constitutional and Statutory provisions,
25 Defendants, and their agents and employees, including Defendants DOES 1 to 100, have,
26 and unless enjoined, will continue to subject the Plaintiff class to constitutional violations
27 and injury that will cause Plaintiffs and the other class members harm, and Plaintiffs will be
28

1 fearful of exercising their right to peacefully pray, assemble, engage in business, and to be
2 treated for COVID-19.

3 **CLAIMS FOR RELIEF**

4 **I.**

5 **FIRST CLAIM FOR RELIEF** 6 **VIOLATION OF THE FIFTH AMENDMENT** 7 **Right to travel as enforced by 42 § 1983** 8 **(Against All Defendants)**

9 101. Plaintiffs incorporate herein by reference each and every allegation contained
10 in the preceding paragraphs of this Complaint as though fully set forth herein.

11 102. While not explicitly defined in the U.S. Constitution, the Supreme Court has
12 “acknowledged that certain unarticulated rights are implicit in enumerated guarantees....
13 Yet these important but unarticulated rights [association, privacy, presumed innocent, etc.]
14 have nonetheless been found to share constitutional protection in common with explicit
15 guarantees.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 579-580 (1980).

16 103. “The right to travel is a part of the liberty of which the citizens cannot be
17 deprived without the due process of law under the Fifth Amendment.” *Kent v. Dulles*, 357
18 U.S. 116, 127 (1958).

19 104. Courts have found that “[f]reedom of movement is kin to the right of assembly
20 and to the right of association. These rights may not be abridged. *Aptheker v. Secretary of*
21 *State*, 378 U.S. 500, 520 (1964).
22

23 105. The United States Supreme Court has found that this right to travel includes in
24 state, intrastate, or foreign travel. *See, e.g., Kent v. Dulles*, 357 U.S. at 126 (“Freedom of
25 movement across frontiers in either direction, and inside frontiers as well, was a part of our
26 heritage.”).
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1 106. The right to travel is fundamental because “[f]reedom of movement, at home
2 and abroad, is important for job and business opportunities – for cultural, political, and
3 social activities – for all the commingling which gregarious man enjoys.” *Aptheker*, 378
4 U.S. at 519-520 (1964). *See also Kent*, 357 U.S. at 126 (where “[t]ravel abroad, like travel
5 within the country, may be necessary for a livelihood. It may be as close to the heart of the
6 individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic
7 in our scheme of values.”).

9 107. Even though we are in a state of emergency, and people may abuse the right to
10 travel, citizens do not lose their constitutional rights. *See Aptheker*, 378 U.S. at 520 (“Those
11 with the right of free movement use it at times for mischievous purposes. But that is true of
12 many liberties we enjoy. We nevertheless place our faith in them, and against restraint,
13 knowing that the risk of abusing liberty so as to give rise to punishable conduct is part of the
14 price we pay for this free society.”).

16 108. When a government practice restricts fundamental rights like the right to
17 travel, it is subject to “strict scrutiny” and can be justified only if it furthers a compelling
18 governmental purpose, and even then, only if no less restrictive alternative is available. *See,*
19 *e.g., Memorial Hospital v. Maricopa County*, 415 U.S. 250, 257-258 (1974); *Dunn v.*
20 *Blumstein*, 405 U.S. 330, 339-341 (1972); *Shapiro v. Thompson*, 394 U.S. 618, 89 (1969),
21 *Maher v. Roe*, 432 U.S. 464, 488 (1977).

23 109. Defendant Sisolak’s Emergency Directives mandate that Plaintiffs stay at
24 home and shut down their “Non-Essential Businesses”.

26 110. Requiring Plaintiffs to abstain from conducting business operations, even those
27 in compliance with the CDC’s social distancing guidelines, violates Plaintiffs’
28 Constitutional right to travel.

111. Unless enjoined, Defendants will act under color of law to deprive Plaintiffs of their right to travel as protected by the Due Process Clause.

112. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their Constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders and Emergency Directives.

113. Pursuant to 42 U.S. C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders and Emergency Directives.

114. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S. C. § 1988.

II.
SECOND CLAIM FOR RELIEF
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH
AMENDMENT
(Against All Defendants)

115. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

116. Plaintiffs have a fundamental property interest in conducting lawful business activities that are protected by the Due Process Clause of the Fourteenth Amendment.

117. The Orders and Emergency Directives, and Defendants' enforcement thereof, violate Plaintiffs' substantive due process rights secured by the Fourteenth Amendment to the U.S. Constitution. Under the Due Process Clause of the Fourteenth Amendment, no State shall "deprive any person of life, liberty, or property, without due process of law." The fundamental liberties protected by this Clause include most of the rights enumerated in

1 the Bill of Rights. *See Duncan v. Louisiana*, 391 U.S. 145, 147-149 (1968). In addition,
2 these liberties extend to certain personal choices central to individual dignity and autonomy,
3 including intimate choices that define personal identity and beliefs. *See, e.g., Eisenstadt v.*
4 *Baird*, 405 U.S. 438, 453 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 484-486 (1965).

5 118. Defendants', which expressly deprive Plaintiffs of their rights and liberties by
6 prohibiting the lawful operation of their businesses by ordering the closure of "Non-
7 Essential Businesses", did not afford Plaintiffs with a constitutionally adequate hearing with
8 which to present their case for their businesses to not be shut down. At a minimum,
9 Plaintiffs aver that they should have been able to decide for themselves whether or not to
10 "shut down", if their businesses / business models were not properly equipped to deal with
11 the health and safety guidelines as issued by the Federal and State Governments in
12 connection with the COVID-19 crisis.
13

14 119. Similarly, Defendants', which expressly deprive Plaintiffs of their rights and
15 liberties by restricting a physician's right to practice medicine and a patient's right to
16 receive treatment for a communicable disease by prohibiting the lawful prescription of an
17 FDA-approved drug, did not afford Plaintiffs with a constitutionally adequate hearing with
18 which to present their case for their right to practice medicine and the right to receive
19 treatment during a global pandemic. Especially as NRS 441A.200 mandates these rights,
20 and specifically prohibits such interference by any person or public body. Plaintiffs aver
21 that they should have been able to decide for themselves, as authorized under Federal and
22 State law, whether or not to prescribe an FDA-approved drug for use in the treatment of
23 COVID-19.
24

25 120. Defendants failed to comply with the procedural and substantive requirements
26 of the U.S. Constitution in connection with Plaintiffs' rights and liberties as they relate to
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1 their respective properties / businesses / medical licenses / treatment, which would have
2 given Plaintiffs a meaningful opportunity to respond to the proposed Orders and Emergency
3 Directives, and to explain how and why they were so deeply flawed and unconstitutional as
4 applied to Plaintiffs.

5 121. Because Defendants' decisions in issuing the Emergency Directives were made
6 in reliance on procedurally deficient and substantively lawful processes, Plaintiffs were
7 directly and proximately deprived of their property and liberties, and consequently, their
8 ability to lawfully operate their businesses, their ability to practice medicine pursuant to a
9 validly issued license, and to provide and receive treatment for a communicable disease,
10 without unconstitutional government overreach.

11 122. Because Defendants' decisions were made in reliance upon an arbitrary and
12 capricious interpretation of the Nevada Constitution and related laws and statutes with
13 respect to their ability to order the state-wide "closure" of all "Non-Essential Businesses",
14 and the prohibition of the prescription and issuance of FDA-approved drug for outpatients
15 with COVID-19, Plaintiffs were directly and proximately deprived of their property rights
16 and liberties absent substantive due process of law, in violation of the Fourteenth
17 Amendment to the U.S. Constitution.

18 123. Plaintiffs have no adequate remedy at law and will suffer serious and
19 irreparable harm to their constitutional rights unless Defendants are enjoined from
20 implementing and enforcing the Orders and Emergency Directives.

21 124. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory
22 relief and temporary, preliminary, and permanent injunctive relief invalidating and
23 restraining enforcement of the Orders and Emergency Directives.

1 business and activities provided certain social distancing practices are employed. Those
2 classified as “Non-Essential,” or as engaging in “Non-essential” activities, are required to
3 shut down and have their workers stay in their residences, unless it becomes absolutely
4 necessary for them to leave for one of the enumerated “Essential” activities.

5 130. Strict scrutiny under the Equal Protection Clause applies where, as here, the
6 classification impinges on a fundamental right – the right to free exercise, including the
7 right to due process and the right to travel (both interstate and intrastate), the right to
8 privacy, the right to practice medicine, and the right to receive treatment, among others.

9 131. Defendants cannot satisfy strict scrutiny because their arbitrary classifications
10 are not narrowly tailored measures that further compelling government interests, for the
11 reasons stated above.
12

13 132. Plaintiffs have no adequate remedy at law and will suffer serious and
14 irreparable harm to their constitutional rights unless Defendants are enjoined from
15 implementing and enforcing the Orders and Emergency Directives.
16

17 133. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory
18 relief and temporary, preliminary, and permanent injunctive relief invalidating and
19 restraining enforcement of the Orders and Emergency Directives.
20

21 134. Plaintiffs found it necessary to engage the services of private counsel to
22 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of
23 attorneys’ fees pursuant to 42 U.S.C. § 1988.
24

25 ///

26 ///

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IV.
FOURTH CLAIM FOR RELIEF
VIOLATION OF THE TAKINGS CLAUSE OF THE FIFTH AMENDMENT
(Against All Defendants)

135. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

136. The United States Supreme Court has long held that “the Fifth Amendment...was designed to bar Government from forcing people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *See Armstrong v. United States (1960) 364 U.S. 40, 49.*

137. Defendants’ Orders and Emergency Directives mandated that because Plaintiffs were “Non-Essential Businesses”, they were required to “shut down” and cease all operations as a means to help curb the spread of COVID-19. Such a mandate completely and unconstitutionally deprived Plaintiffs of all economically beneficial use of their businesses without just compensation.

138. While the “police power” is inherent in a sovereign government and is reserved for the States in the Tenth Amendment to the U.S. Constitution, it is not without constitutional limits. *See Euclid v. Ambler Realty Company, 272 U.S. 365 (1926)* (holding that local governments may protect the general welfare through the enactment of residential zoning ordinances). However, a government’s “police power” in this area is restricted by Constitutional considerations, including the Fifth Amendment’s “Takings Clause”, as well as Due Process and Equal Protection.

139. Defendants’ Orders and Emergency Directives, and Defendants’ enforcement thereof, has caused both a complete and total regulatory and physical taking of Plaintiffs’ property without just compensation in violation of the Takings Clause of the Fifth

1 Amendment to the U.S. Constitution. At a minimum, the effect of Defendants' Orders and
 2 Emergency Directives constitutes a "partial" taking under the Penn- Central three-factor
 3 test. *See Penn Central Trans. Co. v. City of New York*, 438 U.S. 104, 124 (1978). As a
 4 result, Defendants' blatant violation of the Takings Clause of the Fifth Amendment has
 5 caused proximate and legal harm to Plaintiffs.

6 140. Plaintiffs have no adequate remedy at law and will suffer serious and
 7 irreparable harm to their constitutional rights unless Defendants are enjoined from
 8 implementing and enforcing the Orders and Emergency Directives.

9 141. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory
 10 relief and temporary, preliminary, and permanent injunctive relief invalidating and
 11 restraining enforcement of the Orders and Emergency Directives.

12 142. Plaintiffs found it necessary to engage the services of private counsel to
 13 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys'
 14 fees pursuant to 42 U.S.C. § 1988.

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 17 **V.**
 18 **FIFTH CLAIM FOR RELIEF**
 19 **VIOLATION OF THE NEVADA CONSTITUTION**
 20 **ARTICLE I DECLARATION OF RIGHTS**
 21 **(Against All Defendants)**

22 143. Plaintiffs incorporate herein by reference each and every allegation contained
 23 in the preceding paragraphs of this Complaint as though fully set forth herein.

24 144. Since 1864, the Nevada Constitution has provided intrinsic and unalienable
 25 rights and liberties to its citizens. Chief among those rights and liberties are those found in
 26 Article I of the Nevada Constitution. Article I, Section 1, of the Nevada Constitution
 27 provides, in pertinent part, that "[a]ll men are by Nature free and equal and have certain
 28

1 inalienable rights among which are those of enjoying and defending life and liberty;
2 Acquiring, Possessing and Protecting property and pursuing and obtaining safety and
3 happiness...”

4 145. Similarly, Article I, Section 8, provides that no person shall be deprived of life,
5 liberty, or property, without due process of law.

6 146. Defendants’ Orders and Emergency Directives have not only interfered with
7 Plaintiffs’ rights and liberties as set forth under Article I, Sections 1, 4, 8, 10, and 11 of the
8 Nevada Constitution, but have further deprived them of the use, enjoyment and ability to
9 operate their respective businesses on account of a discriminatory classification as “Non-
10 Essential Businesses”.

11 147. Defendants’ Orders and Emergency Directives have proximately and legally
12 caused tremendous financial harm not just to Plaintiffs’ businesses, but to the entire Nevada
13 economy, which will continue to have deleterious effects unless and until Defendants are
14 enjoined by this Court from enforcing their respective Orders and Emergency Directives.

15 148. Requiring Plaintiffs to abstain from conducting lawful business in the State of
16 Nevada, despite other compliance measures being taken to satisfy the public health interests
17 at stake, violates their Nevada Constitutional liberty rights.

18 149. Plaintiffs have no adequate remedy at law and will suffer serious and
19 irreparable harm to their Constitutional rights unless Defendants are enjoined from
20 implementing and enforcing the Orders and Emergency Directives.

21 150. Plaintiffs have found it necessary to engage the services of private counsel to
22 vindicate their rights under the law. Plaintiffs are entitled to an award of attorneys’ fees
23 thereon.

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28 **VI.**

SIXTH CLAIM OF RELIEF
VIOLATION OF NEVADA CONSTITUTION
Right to Liberty (Nev. Const. Art. 1, § 4)
(Against All Defendants)

151. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

152. Article 1, Section 4, of the Nevada Constitution provides, in pertinent part, that “[t]he free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State...”

153. Nevada Courts have routinely held that the Nevada Constitution mirrors the Free Exercise Clause in the First Amendment. Emergency Directive 013, passed April 8, 2020, which precludes attendance at places of worship, lacks a compelling state interest as to such religiously-motivated Orders and Emergency Directives.

154. Requiring places of worship to limit the number of parishioners physically present violates the Free Exercise Clause of the Nevada and United States Constitutions, and whereby Emergency Directive 013 specifically precludes the Free Exercise of Religion in Nevada.

155. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their Constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders and Emergency Directives.

156. Plaintiffs have found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are entitled to an award of attorneys’ fees thereon.

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VII.
SEVENTH CLAIM FOR RELIEF
VIOLATION OF THE NEVADA CONSTITUTION
Right to Liberty (Nev. Const. Art. 1, § 8)
(Against All Defendants)

157. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

158. Article 1, Section 8, of the Nevada Constitution provides, in pertinent part, that “[n]o person shall be deprived of life, liberty, or property, without due process of law. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made...”

159. Moreover, the principle behind the concept of just compensation for property taken for public use is to put the owner in as good a position pecuniary as he or she would have occupied if his or her property had not been taken.

160. Finally, the Constitutional guarantee of just compensation for property taken by the Government is not only intended to protect the landowner (or business owner), but it also protects the public by limiting its liability to losses that can fairly be attributed to the taking.

161. Requiring Plaintiffs to abstain from conducting lawful business in the State of Nevada, despite other compliance measures being taken to satisfy the public health interests at stake, violates their Nevada Constitutional liberty rights.

162. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their Constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders and Emergency Directives.

164. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

“Pursuant to Amendment II of the Constitution of the United States, and
Section 11 of Article 1 of the Constitution of the State of Nevada, and
notwithstanding any other provision of law, the emergency powers conferred
upon the Governor and upon the executive heads or governing bodies of the
political subdivisions of this State must not be construed to allow:

- 45

1 172. Further, any isolation or quarantine required of persons having such infectious
2 and communicable disease must comply with the provisions of NRS 441A.510 to 441A.720,
3 inclusive. *See* NRS 441A.160. Defendants were grossly negligent in failing to follow or even
4 cite any provisions as contained in Chapters 441A of the Nevada Revised Statutes or the
5 Nevada Annotated Code.

6 173. Further, when a health care provider or medical facility significantly
7 contributes to a case of an infectious disease, Defendants Azzam and Asad are required by law
8 to issue a written order directing said health care provider or medical facility to cease and
9 desist any conduct which is harmful to the health, safety, and welfare of the public, and take
10 any other action necessary to reduce such harm. *See* NRS 441A.169. Defendants were
11 grossly negligent in failing to issue such a written order when hospitals actively turned away
12 patients symptomatic of COVID-19 because their symptoms were “not yet severe enough”.
13

14 174. Further, no health authority or any other person is empowered or authorized to
15 interfere in any manner with the right of a person to receive approved treatment for a
16 communicable disease from any physician, clinic, or other person of his or her choice. *See*
17 NRS 441A.200.
18

19 175. Defendants were, at a minimum, grossly negligent, if not acting in willful and
20 wanton disregard, when adopting the March 23, 2020 emergency regulation amending
21 Chapter 639 of the Nevada Annotated Code, thereby restricting access to chloroquine and
22 hydroxychloroquine, both drugs approved by the FDA for use in the treatment of COVID-19,
23 to people testing positive for COVID-19 outside of a hospital setting.
24

25 176. Further, pursuant to NRS 441A.120, Defendants Azzam and Asad are required
26 to follow the recommendations, guidelines, and publications of Federal Agencies for the
27 control of infectious and communicable diseases. *See* NRS 441A.120; NAC 441A.200.
28

1 Defendants were grossly negligent in failing to follow the recommendations and guidelines as
2 established in these publications.

3 177. NRS 439.130 provides that if the Chief Medical Officer is not licensed to
4 practice medicine in this State, and Defendant Azzam here is not, shall not, in carrying out the
5 duties of Chief Medical Officer, engage in the practice of medicine. Defendant Azzam was
6 grossly negligent in his capacity as Chief Medical Officer when making decisions that
7 constitute the practice of medicine during the COVID-19 pandemic, and specifically, *inter*
8 *alia*, providing the State Board of Pharmacy with a recommendation to restrict the prescribing
9 of an approved treatment to persons with a communicable disease, without being licensed to
10 do so.

11
12 178. Defendants, and specifically, Defendant Asad, had a duty to independently
13 investigate the errant IHME and CDC information provided, and Defendants breached that
14 duty when they failed to exercise even the slightest degree of care when they restricted a
15 potential treatment for COVID-19, and when they failed to request Federal disaster relief for
16 weeks after Defendant Governor Sisolak declared a state of emergency.

17
18 179. Defendants engaged in an act or omission respecting legal duty of an
19 aggravated character, or with willful, wanton misconduct.

20
21 180. Plaintiffs have found it necessary to engage the services of private counsel to
22 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys'
23 fees and costs thereon.

24
25 **REQUESTED RELIEF**

26 WHEREFORE, Plaintiffs request that this Court:

- 27 (1) Issue a declaratory judgment with the following:
28

1 (a) Declaration that Defendant Governor Sisolak's Executive Order 2020-
2 01, Emergency Directives 001, 002, 003, 006, 007, 010, 013, and 016, and their
3 corresponding emergency regulations dated March 20, 2020 and March 23, 2020 are null
4 and void, of no effect, as:

- 5 (i) Unconstitutional under the Fifth Amendment;
6 (ii) Unconstitutional under the Fourteenth Amendment;
7 (iii) Arbitrary and capricious, an abuse of discretion, or otherwise
8 not in accordance with the U.S. and/or Nevada Constitutions;
9
10 (iv) Contrary to Constitutional right, power, privilege, or immunity
11 in violation of the U.S. and/or Nevada Constitutions; and
12
13 (v) In excess of statutory jurisdiction, authority, or limitations, or
14 short of statutory right in violation of the U.S. and/or Nevada Constitutions;

15 (b) Declaration that Defendant's March 20, 2020 enumerated list of
16 "Essential Businesses" versus "Non-Essential Businesses" following Defendant Governor
17 Sisolak's Emergency Directives is null and void, of no effect, as:

- 18 (i) Unconstitutional under the Fifth Amendment;
19 (ii) Unconstitutional under the Fourteenth Amendment;
20 (iii) Arbitrary and capricious, an abuse of discretion, or otherwise
21 not in accordance with the U.S. and/or Nevada Constitutions;
22
23 (iv) Contrary to Constitutional right, power, privilege, or immunity
24 in violation of the U.S. and/or Nevada Constitutions; and
25
26 (v) In excess of statutory jurisdiction, authority, or limitations, or
27 short of statutory right in violation of the U.S. and/or Nevada Constitutions;
28

1 (c) Declaration that Defendant Governor Sisolak's April 8, 2020
2 prohibition of gathering in places of worship is null and void, of no effect, as:

- 3 (i) Unconstitutional under the First Amendment;
- 4 (ii) Unconstitutional under the Fourteenth Amendment;
- 5 (iii) Arbitrary and capricious, an abuse of discretion, or otherwise
6 not in accordance with the U.S. and/or Nevada Constitutions;
- 7
- 8 (iv) Contrary to Constitutional right, power, privilege, or immunity
9 in violation of the U.S. and/or Nevada Constitutions; and
- 10 (v) In excess of statutory jurisdiction, authority, or limitations, or
11 short of statutory right in violation of the U.S. and/or Nevada Constitutions;
- 12
- 13 (2) Set aside and hold unlawful Defendants' Orders and Emergency Directives;
- 14 (3) Permanently enjoin Defendants and all persons and entities in active concert or
15 participation with Defendants, including law enforcement authorities and their agents, from
16 enforcing the Orders and Emergency Directives;
- 17 (4) Issue a TRO and a preliminary injunction preventing Defendants from
18 enforcing or implementing the Orders and Emergency Directives until this Court decides the
19 merits of this lawsuit;
- 20
- 21 (5) Permanently enjoin Defendants and all persons and entities in active concert or
22 participation with Defendants from enforcing the Orders and Emergency Directives unless
23 they are issued in accordance with all procedural and substantive due process requirements
24 of the U.S. Constitution;
- 25
- 26 (6) Award Plaintiffs damages arising out of their § 1983 Claims, and specifically,
27 under the Fifth Amendment to the U.S. Constitution, and Article 1, Section 8, of the Nevada
28 Constitution's Takings Clause(s);

1 (7) Award Plaintiffs the reasonable value of the loss of their businesses by virtue
2 of Defendant Governor Sisolak's Orders and Emergency Directives;

3 (8) For such other and further relief to which Plaintiffs may show themselves
4 justly entitled; and

5 (9) For an award of reasonably attorneys' fees and his costs on his behalf
6 expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1988.
7

8 **AFFIRMATION**

9 The undersigned does hereby affirm that this document does not contain the social
10 security number of any person.

11 DATED this _7th___ day of May 2020.

12 **CHATTAH LAW GROUP**

13
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27
28